

Remarks

Reconsideration and further examination is respectfully requested in light of the foregoing amendment, and in consideration of these remarks.

The Examining Attorney rejected Claim 4 on the basis of Bruno, U.S. Patent 5,967,265 under 35 U.S.C. 102(b). Section 112 rejections were also levied. All rejections are traversed in this paper. Claims 6 through 10 are newly added by this paper. Accordingly, Claims 4, and 6 through 10 are pending in this application.

Location of Support for Amendments.

Applicant appeals to the following locations for support for the amendments made herein. Other locations may be more or less relevant. Applicant requests the Examiner to consider these locations, and any others that may be relevant.

Claim 4 (as amended): For support in the specification, Applicant directs the Examiner to paragraphs [0021], [0034], and [0035] (among others), as well as Figures 1 and 2, each of which Applicant believes support the amendments made.

Claim 6 (New): For newly added independent claim 6, Applicant points to paragraph [0038].

Claim 7 (New): For newly added claim 7, Applicant points to paragraph [0035], as well as the paragraphs offered for support of claim 6.

Claim 8 (New): For newly added claim 8, Applicant points to paragraph [0021], as well as the paragraphs offered for support of claim 6.

Claim 9 (New): For newly added claim 9, Applicant points to paragraph [0037], as well as the paragraphs offered for support of claim 6.

Claim 10 (New): For newly added independent claim 10, Applicant points to paragraphs [0023], [0037], and [0038], as well as Figure 7.

Response to Rejections: Section 112 Issues:

The examiner rejected Claim 4 under Section 112, second Paragraph, for indefiniteness. The examiner indicates that the claim is unclear as to which structure is rotating. The amendments to the claim are believed to obviate the rejection. As amended, the claim now refers to an urge to rotate or pivot, which causes a transfer of force to the lower side of the rail, rendering the rejection moot. Likewise, the examiner's comment regarding the fact that the furthest wheel contacts the rail at all times is rendered moot by the fact that the claim now refers to force transfer.

Response to Rejections: Section 102(b) Issues:

Basis: The Examiner rejected Claim 4 on the basis of Bruno (U.S. 5,967,265).

Argument 1: The Applicant respectfully contends that a 102(b) rejection over Bruno is not appropriate. Bruno was issued on October 19, 1999. Applicant's parent application was filed on September 11, 2000. Accordingly, there is no evidence in the record that more than one year prior to the effective filing date of Applicant's application Bruno was published, on sale or in public use.

Argument 2: In the alternative, and in the event that the Examiner seeks to apply Bruno under a different Section of the Act, Applicant contends that as amended Claim 4 is not anticipated by Bruno. The Amended Claim 4 states that the rail is between the furthest wheel and the load bearing section. This is not true in Bruno. Also, Bruno does not transfer force to the under side of the rail via the furthest wheel in response to a weight urging rotation. Applicant believes that these elements are missing from Bruno, and therefore seeks withdrawal of the rejection.

Newly added Claim 6 and the Claims dependent therefrom refer to a rail with different slopes, which is thicker on the steeper slope and narrower on the less steep portion. By contrast, Bruno's rail is thinner at the steeper slope and thicker at the less steep portion.

With respect to newly added claim 10, in Bruno a line drawn between the wheels appears to approach *parallel* to the rail as the slope increases (see Fig 7 of Bruno), rather than approaching *perpendicular* as the slope increases, which the Claim 10 specifies.

Fees

An extension of three months is hereby requested. A Credit Card Authorization Form in the amount of \$510 is enclosed herewith. This response therefore is timely. An authorization to charge deposit account 50-0954 is also enclosed to cover any deficiency.

Conclusion

Applicant respectfully submits that in light of the foregoing, all rejections to the application should be withdrawn. Applicant has diligently sought to comply with all requirements and to respond to any arguments. The Application is believed to be in condition for allowance, and early approval is respectfully requested.

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Respectfully submitted,

Nathan W. Johnson,
Reg. No. 44173
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